

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sebastian Torero	Team: Squad #1	CCRB Case #: 202003975	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 06/03/2020 8:45 PM	Location of Incident: 850 3rd Avenue	Precinct: 17	18 Mo. SOL 12/3/2021	EO SOL 5/4/2022	
Date/Time CV Reported Sat, 06/06/2020 12:10 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 06/06/2020 12:10 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Pedro Perez	00267	949472	026 PCT
2. POM Joseph Callan	18735	962964	026 PCT
3. POM Erik Limardo	03114	963611	026 PCT
4. SGT Joseph Angelone	00718	941349	026 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Crismarin Henriquezcruz	26769	968479	REC TNG
2. DC John Dadamo	00000	913627	SRG

Officer(s)	Allegation	Investigator Recommendation
A.POM Joseph Callan	Force: Police Officer Joseph Callan struck § 87(2)(b) with a baton.	
§ 87(4-b), § 87(2)(g)		

## Case Summary

§ 87(2)(b) James § 87(2)(b) filed this complaint with the CCRB online on June 6, 2020. § 87(2)(b) § 87(2)(b) filed a complaint regarding the same incident with the CCRB online on June 11, 2020.

On June 3, 2020, at approximately 7:30 PM, PO Joseph Callan of the 26<sup>th</sup> Precinct, who was assigned to a protest detail, pushed § 87(2)(b) in the chest with his baton (**Allegation A: Force**, § 87(2)(g)). PO Callan placed § 87(2)(b) in plastic flexcuffs and placed him alongside other protestors in front of 850 3<sup>rd</sup> Avenue (between East 51<sup>st</sup> Street and East 52<sup>nd</sup> Street). § 87(2)(b) was then transported to Brooklyn Central Booking and issued a summons for violating the citywide curfew in place at the time. § 87(4-b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

The CCRB obtained surveillance footage from 850 3<sup>rd</sup> Avenue, as well as body-worn camera footage and cellphone footage of arrests made during the protest on June 3, 2020, between 50<sup>th</sup> Street and 53<sup>rd</sup> Street; these videos did not capture the incident in this complaint (Board Reviews 01-29).

## Findings and Recommendations

### Allegation (A) Force: Police Officer Joseph Callan struck § 87(2)(b) with a baton.

§ 87(2)(b) attended a protest against police brutality in Manhattan. He marched with his friends from Gracie Mansion, and at approximately 9:00 PM, § 87(2)(b) was at 3<sup>rd</sup> Avenue, at 50<sup>th</sup> Street or 51<sup>st</sup> Street, when a group of police officers ran southbound on 3<sup>rd</sup> Avenue towards the protestors. Protestors scattered, and § 87(2)(b) and his friends walked northbound on 3<sup>rd</sup> Avenue on the sidewalk on the west side of the street. PO Callan got between § 87(2)(b) and his friends, took out his baton, and pushed § 87(2)(b) in the chest with his baton while telling him to get back. § 87(2)(b)'s friends continued to walk down the street and eventually returned home. § 87(2)(b) declined to identify these friends, and no friends of § 87(2)(b) contacted the CCRB during this investigation. § 87(2)(b) and other protestors were placed in a transport van and taken to Brooklyn Central Booking, and in the van § 87(2)(b) had a conversation with the officer who pushed him using a baton (Board Review 30). § 87(2)(b) attended the protest alone and did not meet § 87(2)(b) until after both of them had been placed with other protestors along the wall outside 850 3<sup>rd</sup> Avenue and did not witness any interaction that § 87(2)(b) had with officers prior to that time (Board Review 31).

§ 87(2)(b) described the subject officer as a white or Hispanic male, stood approximately 5'10" tall and weighed approximately 200 pounds with a brown mustache. The pedigree information on PO Joseph Callan's NYPD Officer Photograph states that PO Callan is a 6-foot tall, 265-pound white male with a moustache (Board Review 32). PO Callan testified that he was assigned to the George Floyd protest detail and placed two white males and a Black male under arrest in the vicinity of 850 3<sup>rd</sup> Avenue in Manhattan; § 87(2)(b)'s summons was issued on June 3, 2020 at 850 3<sup>rd</sup> Avenue (Board Review 33-34). While PO Callan did not recall having any conversations with any protestors in the van, he stated that he was the only officer to ride in the van with the protestors. PO Callan also testified that he had a moustache on June 3, 2020 (Board Review 33). Based on a similar physical description and because PO Callan stated that he was the only officer to ride in the van with protestors, the investigation determined that PO Callan was the subject officer in this complaint.

PO Callan testified that he was assigned to the George Floyd protest detail on June 3, 2020. At approximately 8:45 PM, he was in a van with several other officers that arrived within one block of

850 3<sup>rd</sup> Avenue in Manhattan. A higher-ranking member of the NYPD ordered PO Callan and the group of officers he was working alongside to arrest a group of nine people that were about 15 feet away from PO Callan. PO Callan and other officers ordered the group of people to stand against the wall of 850 3<sup>rd</sup> Avenue with their hands behind their backs; all members of the group complied with this order. PO Callan denied drawing his baton, and denied using his baton in any way while effecting these arrests. PO Callan rode in the transport van that brought the protestors from 850 3<sup>rd</sup> Avenue to Brooklyn Central Booking. PO Callan testified that his body-worn camera's battery was dead and thus he did not record any footage at the location (Board Review 33).

Sgt. Angelone, PO Limardo, and PO Perez gave testimony as well; none of them recalled PO Callan using his baton when arresting the group of nine people outside of 850 3<sup>rd</sup> Avenue (Board Review 35-37). None of the officers interviewed recorded this incident on their body-worn cameras, and security from 850 3<sup>rd</sup> Avenue did not clearly show the officers' actions as they placed the group of nine protestors under arrest (Board Review 01-02).

§ 87(2)(b), § 87(4-b), § 87(2)(g)  
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§ 87(2)(b), § 87(4-b), § 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 42).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 43).
- PO Joseph Callan has been a member-of-service for 3 years and this is the first CCRB complaint to which he has been a party (Board Review 44).
- PO Pedro Perez has been a member-of-service for 10 years and this is the first CCRB complaint to which he has been a party (Board Review 45).
- PO Erik Limardo has been a member-of-service for 3 years and this is the first CCRB complaint to which he has been a party (Board Review 46).
- Sergeant Joseph Angelone has been a member of service for 14 years and has been a subject in 4 CCRB complaints and 5 allegations, none of which were substantiated. Sgt. Joseph Angelone's CCRB history does not reflect any apparent pattern pertinent to this investigation (Board Review 47).

#### **Mediation, Civil and Criminal Histories**

- This case was unsuitable for mediation.
- As of October 2, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed by § 87(2)(b) in regards this to complaint (Board Review 48).
- As of October 6, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed by § 87(2)(b) in regards this to complaint (Board Review 49).
- According to the Office of Court Administration (OCA), § 87(2)(b) has not history of convictions in New York City (Board Review 50).
- According to the Office of Court Administration (OCA), § 87(2)(b) has not history of convictions in New York City (Board Review 51).

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Squad No.: 1

Investigator: Sebastian Torero      Inv. Sebastian Torero      10/20/2020  
Signature      Print Title & Name      Date

Squad Leader: Mgr. Joy Almeyda      \_\_\_\_\_      10.20.20  
Signature      Print Title & Name      Date

**CCRB Case # 202003975**

Reviewer:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Title & Name

\_\_\_\_\_  
Date